

EXHIBIT 5

N.Y. Comp. Codes R. & Regs. tit. 10, § 5-1.51

**COMPILATION OF CODES, RULES AND
REGULATIONS OF THE STATE OF NEW
YORK**

TITLE 10. DEPARTMENT OF HEALTH

CHAPTER I. STATE SANITARY CODE

PART 5. DRINKING WATER SUPPLIES

SUBPART 5-1. PUBLIC WATER SYSTEMS

**PUBLIC WATER SYSTEMS; MAXIMUM CON-
TAMINANT LEVELS; MONITORING RE-
QUIREMENTS;
NOTIFICATIONS REQUIRED.**

Current through amendments included in the New
York State Register,
Volume XXXI, Issue 18, dated May 6,
2009.

**Section 5-1.51. Maximum Contaminant Levels,
Maximum Residual Disinfectant Levels and
Treatment Technique Requirements**

(a) The maximum contaminant levels, maximum residual disinfectant levels and treatment technique requirements are listed in section 5-1.52 tables 1 through 7 of this Subpart. In the case where an MCL, MRDL or treatment technique requirement is exceeded, notwithstanding anything to the contrary contained in section 5-1.12 of this Subpart, the supplier of water will take the necessary steps to comply with this section, to ensure the protection of the public health, including the undertaking of remedial feasibility studies and the installation of a suitable treatment process. Compliance with the MCLs, MRDLs and treatment technique requirements shall be determined by the procedures contained in section 5-1.52 tables 1 through 7 of this Subpart.

(b) The minimum monitoring requirements for each contaminant are listed in section 5-1.52 tables 8A through 12 and 15A of this Subpart, except for public water systems with fewer than 15 service connections and which serve fewer than 25 persons, where monitoring will be at State discretion. For this section, State discretion shall mean requiring

monitoring when the State has reason to believe an MCL, MRDL or treatment technique requirement has been violated, the potential exists for an MCL, MRDL or treatment technique violation or a contaminant may present a risk to public health.

(c) Each system required to monitor for disinfection byproducts must develop and implement a monitoring plan. The system must maintain the plan and make it available for inspection by the State and the general public no later than 30 days after the compliance date. If the system is a community or nontransient noncommunity system that uses surface water or groundwater under the direct influence of surface water and serves 10,000 or more people, the monitoring plan must be made available by January 31, 2002. If the system is a community or nontransient noncommunity system that uses surface water or groundwater under the direct influence of surface water and serves fewer than 10,000 people, or it is a community or nontransient noncommunity system using only groundwater, the monitoring plan must be made available by January 31, 2004. All community and nontransient noncommunity systems using surface water or groundwater under the direct influence of surface water that serve more than 3,300 people must submit a copy of the monitoring plan to the State, or provide written acknowledgement and acceptance of a plan provided by the State, no later than the date of the first report required in section 5-1.72 of this Subpart. After review, the State may require changes in any plan elements. Failure to monitor in accordance with the monitoring plan is a monitoring violation. Systems may use only data collected in accordance with the monitoring plan to qualify for reduced monitoring of disinfection byproducts or disinfection byproduct precursors. The monitoring plan must include at least the following elements, as applicable:

- (1) specific locations and schedules for collecting samples for any parameters listed in this section;

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- (2) how the system will calculate compliance with MCLs, MRDLs, and treatment techniques;
- (3) if approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of section 5-1.76 of this Subpart, the sampling plan must reflect the entire distribution system.
- (d) The notification requirements for each contaminant are listed in section 5-1.52 table 13 of this Subpart.
- (e) The CT values for inactivation of *Giardia lamblia* cysts by free chlorine at various pH and temperature levels are listed in section 5-1.52 tables 14A through 14F of this Subpart. The CT values for inactivation of *Giardia lamblia* cysts by chlorine dioxide and ozone at various temperature levels are listed in section 5-1.52 table 14G of this Subpart.
- (f) The alternative disinfection monitoring frequency requirements using grab samples instead of continuous chlorine concentration monitoring is listed in section 5-1.52 table 15 of this Subpart.
- (g) Monitoring and reporting frequencies for specific contaminants may be established at State discretion whenever the State believes that a potential exists for an MCL or MRDL violation or a contaminant may present a risk to public health.
- (h) Notwithstanding anything to the contrary in subdivision (a) of this section, the commissioner may recommend values lower than the MCL's if sufficient valid information based on commonly accepted scientific standards and principles demonstrates an increased public health concern. Within one year from the date of such recommendation, the State shall hold a public hearing regarding the justification for the lower value, and whether a new MCL is warranted.
- (i) Notwithstanding anything to the contrary in section 5-1.52 table 3 of this Subpart, the commissioner may in specific cases except specific organic chemicals from the MCL's for general organic chemicals if the supplier of water can demonstrate that sufficient valid scientific information exists to show that the organic chemical does not pose an unreasonable risk to human health, the organic chemical is present at a level and under circumstances not indicative of contamination, and the cost of compliance is unreasonable in light of the risk to human health.
- (j) Notwithstanding anything to the contrary in section 5-1.52 table 3 of this Subpart, the commissioner may, based on receipt and review of a justification submitted by the supplier of water, allow a higher MCL for a period of up to 60 days following application of a paint or lining to a potable water structure, if he determines that an unreasonable risk to human health does not exist.
- (k) Notwithstanding anything to the contrary in section 5-1.52 table 3A of this Subpart, systems may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.
- (l) A system that is installing granular activated carbon (GAC) or membrane technology to comply with the trihalomethane and haloacetic acid MCLs listed in section 5-1.52 table 3 of this Subpart may apply to the State for an extension of up to 24 months past the compliance dates for those MCLs. Systems must comply with any interim measures and schedules of compliance set by the State.
- (m) Each public water system must certify annually in writing to the State that when Acrylamide and Epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:
- Acrylamide = 0.05% dosed at 1 ppm (or equivalent)

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Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent)

Certification can rely on manufacturers or third parties, as approved by the State.

(n) For microbiological analysis, a standard sample size of 100 milliliters shall be used.

CREDIT(S)

Sec. filed April 4, 1977; amd. filed June 24, 1981; repealed, new filed April 6, 1987; amds. filed: Nov. 7, 1988; Dec. 29, 1989; March 19, 1991 as emergency measure, expired 90 days after filing; June 18, 1991; Feb. 19, 1992; Dec. 15, 1992; April 30, 1998; May 10, 2004 eff. May 26, 2004.

<General Materials (GM) - References, Annotations, or Tables>

10 NYCRR 5-1.51, 10 NY ADC 5-1.51

10 NY ADC 5-1.51

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